

Leighton's Service Station (Registration #9671)

- Appeal by Harry W. Leighton, Jr.
- Agreement to Waive Deadlines

December 15, 2009

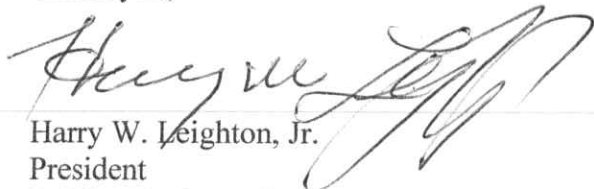
Board of Environmental Protection
c/o Maine Department of Environmental Protection
Ray Building
State House Station #17
Augusta, Maine 04333-0017

Re: Leighton's Service Station, Underground Oil Storage Facility (Registration #9671)

To whom it may concern,

We wish to appeal the Administrative Order of December 9th, 2009 and ask for a further extension in time. We have been in the process of securing financial funding for the project. Our accountant has contacted FAME and other organizations. We are waiting for replies in order to evaluate our options. This has been an on going process since your first notice. Responses are slow in coming in, but we feel we are close to being able to make a decision. We have received estimates from the contractors, so we are halfway there. Please allow us more time so we can solidify the financing.

Thank you,

A handwritten signature in dark ink, appearing to read "Harry W. Leighton, Jr.", is written over a horizontal line.

Harry W. Leighton, Jr.
President
Leighton's Groceries & Service Station, Inc.
968 Minot Avenue
Auburn, Maine 04210
207-784-9863



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

Susan Lessard, Chair
c/o Terry Hanson
Board of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Re: Maine DEP Underground Oil Storage Facility Administrative Order,
Harry Leighton, Jr.,
Agreement to Waive Deadlines

Dear Ms. Lessard:

Mr. Harry Leighton filed an appeal of an order of the Maine Department of Environmental Protection (DEP), which appeal was received by the Board of Environmental Protection on December 17, 2009. Due to the short statutory deadlines under 38 M.R.S. § 565-A(3) for the Board to hold a hearing (15 working days after receipt of the appeal) and for the Board to issue a written decision on the appeal (7 working days after the hearing), Mr. Leighton and DEP hereby agree to waive both deadlines and to allow for an additional 60 days in which the Board will hold the hearing and issue the decision. By the signatures below, Mr. Leighton and DEP represent they have agreed to this extension. *because of the need to secure financing*

The DEP also hereby agrees to grant a stay of the 30-day deadline contained on page 6 of the Order until the Board issues a final decision on the appeal. Once the Board has issued its decision, the stay is automatically lifted.

Respectfully submitted,

Harry Leighton, Jr.

Signature: *[Signature]*

Dated: 1-4-10

For Maine Department of Environmental Protection:

Signature *[Signature]*

Dated: 1-4-10
1-6-10 *mtcH*

Name: MARK HYLAND

Title: BUREAU DIRECTOR

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